



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.10.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.28984 of 2019
& W.M.P.No.28744 of 2019

A.T.S.V.S. Siddha Medical College & Hospital,
(Run by Akila Thiruviththancode Siddha VaidhyaSangam),
Munchirai, Pudukkadam (P.O),
Kanayakumari District - 627 171,
Represented by its Interim Administrator,
Justice A.Ramamurthi (Retired),
S/o.Anganan, Plot No.9,
HIG, TNHB Phase - II,
Nolambur, Mogappair West,
Chennai - 600 037. ... Petitioner

/versus/

1. The Vice Chancellor,
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai - 32.
2. The Registrar,
Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.
3. The Controller of Examination,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy,
Chennai - 600 032. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to permit the 29 students studying in 3rd year BSMS Course for the Academic year 2018- 2019 in the Petitioner College to write their 3rd year Annual Examination scheduled to be commenced on 15.10.2019 and consequently directing the respondents to announce their results of the 3rd year Annual Examination for the academic year 2018-2019 in compliance with the orders of the Hon'ble Supreme Court, dated 02.11.2018 & 08.02.2019 in Civil Appeal Nos.10023-10024 of 2018.

For Petitioner : Mr.C.V.Vijayakumar

For R1 to R3 : Mr.D.Ravichander
Standing Counsel

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Standing Counsel for the Respondents 1 to 3.

2. The case of the petitioner is that, 27 students of the petitioner Institute joined B.S.M.S Siddha course in the academic year 2016 - 2017 are eligible to take up 3rd year examination in the ensuring exam conducted by the Anna University, Chennai, commencing from 15.10.2019. In spite of their eligibility, the Anna University has not permitted those 27 students to take up their examination. The online applications were not entertained by the Respondent/Anna University, Chennai.

3. According to the learned Counsel for the petitioner, in the case of these 27 students who were admitted during the academic year 2016 - 2017 in the petitioner college has checkered history. Their admission was not considered as legal by the Anna University since it was in excess of permitted admission strength. Only pursuant to the intervention of the Court order in W.P.No.2260 of 2017, the admission of the petitioners were ratified and this Writ Petition culminated in disposal of S.L.P's preferred by the Central Council of Indian Medicine. In such circumstances, it is the case of the petitioner College that those 27 students are regularly attending the College. Though they were entitled to take up the examination during the main examination held in the month of October 2018, they were not allowed to take up the exams by the University. Hence they took up their 2nd year examination, held during the supplementary examination conducted by the Anna University, Chennai, in the month of May - 2019. In any event, these petitioners are undergoing their course for the 3rd year from the month of February - 2019 onwards and they have adequate attendance to take up the 3rd year examination. Since, the Anna University, Chennai, has denied the access to the Web portal to upload in online proforma application of those 27 students. Hence, the present Writ Petition.

4. Contrarily, the learned Standing Counsel appearing for the respondents/Anna University would submit that as per University resolution was passed during the 217th Governing Council Meeting held on 01.03.2013, the term of the course for

each year is twelve months and out of which 240 terms days should be working days. Students to be eligible to take up the examination, ought to have attended 75% of the term days. Whereas, admittedly the petitioner College has conducted only 167 days, which is far below 75% of the required attendance. Hence they were not permitted to apply for the examination in the month of October - 2019.

5. In response to the said submission, the Learned Counsel appearing for the petitioner would submit that the said resolution of the University is not in force, in view of the Central Council of Indian Medicine, notification dated 2nd May 2013, wherein, the required attendance is based on the hours of teaching and not days of teaching.

6. The Central Council of Indian Medicine notification dated 2nd May 2013, indicates that, the duration of B.S.M.S Siddha course is five years and six months. As per "Schedule - II", in Minimum Standards of Siddha Maruthuva Arignar Course, the duration of course is as below:-

- a. First Professional - Twelve months.
- b. Second Professional - Twelve months.
- c. Third Professional - Twelve months.
- d. Final Professional - Eighteen months.
- 6. Compulsory Rotatory Internship - Twelve months

7. As far as the Third Professional is concerned, the duration of the course is twelve months and number of hours of teaching is prescribed under Regulation 12: Number of Papers and Marks for theory and practical as below:-

Name of the subject	Number of hours of teaching			Details of maximum marks			
	Theory	Practical or Clinical	Total	Number of papers	Theory	Practical or clinical (including viva voice)	total
1. Noi Naadal – Paper I (Siddha Pathology)	200	100	300	One	100	100	200
2. Noi Naadal – Paper II (Principles of Modern Pathology)	150	100	250	One	100	100	200

Name of the subject	Number of hours of teaching			Details of maximum marks				
	Theory	Practical or Clinical	Total	Number of papers	Theory	Practical or clinical (including viva voice)	total	
3. Anugavidhi Ozhukkam (Hygiene and Community Medicine including National Health Policies and Statistics)	Noi 100	-	100	One	100	-	100	
4. Saarntha Maruthuvamum Naju Maruthuvamum (Forensis Medicine and Toxicology)	Sattam 150	100	250	One	100	100	200	
5. Research Methodology and Medical-statistics	100	--	100	One	100	-	100	

8. Applying these Regulations, the learned Counsel for the petitioner states that those 27 candidates of the petitioner Institute have required attendance to take up their examination, during the ensuing exam to be commenced from 15.10.2019.

9. Hence, in view of the regulation of Central Council of Indian Medicine, dated 02.05.2013, the Writ Petition is liable to be Allowed.

10. Accordingly, the Writ Petition is Allowed, on following terms:- The Respondent/Anna University, Chennai, shall permit the Petitioner Institute to upload the proforma applications of the 27 candidates and issue Hall Tickets to them

to take up the on going examination, on condition that, if there is any material to show that these students have no adequate attendance, the result of those students will be withheld. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

bsm

To,

1. The Vice Chancellor,
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai - 32.
2. The Registrar,
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No.69, Anna Salai, Guindy,
Chennai - 600 032.

+1 cc to Mr.C.V.Vijayakumar Advocate sr86191

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